

No. 208/2002

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Azerbaijan and has the honor to refer to earlier discussions between representatives of our two governments regarding the furnishing of defense articles, related training, to include training related to defense articles under the U.S. International Military and Education Training Program, and other defense services from the United States of America to the Republic of Azerbaijan.

In accordance with previous discussions, it is proposed that the Republic of Azerbaijan agree to the following points.

A. Unless the consent of the Government of the United States of America has been first obtained, the Republic of Azerbaijan shall not:

(I) Permit any use of such defense articles or related training including training materials or other defense service by anyone not an officer, employee, or agent of the Republic of Azerbaijan;

(II) Transfer or permit any officer, employee, or agent of the Republic of Azerbaijan to transfer such articles or

related training including training materials or other defense services by gift, sale, or otherwise; or

(III) Use or permit the use of such articles or related training including training materials or other defense services for purposes other than those for which provided.

B. Articles or related training including training materials or defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition.

C. Net proceeds of sale received by the Republic of Azerbaijan in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America.

D. The Republic of Azerbaijan shall maintain the security of such articles, related training including training materials, and other defense services; it shall provide substantially the same degree of security protection afforded to such articles or related training including training materials or other defense services by the Government of the

United States of America; it shall, as the United States may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regards to the use thereof by the Republic of Azerbaijan.

E. The Government of the United States of America may also from time to time make the provision of articles, services, and related training furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of this agreement.

A Diplomatic Note from the Ministry of Foreign Affairs stating that the foregoing points are acceptable to the Government of the Republic of Azerbaijan shall, together with this note, constitute an agreement between the two governments, which shall enter into force on the date of the Ministry's reply.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs assurances of its highest consideration.

Embassy of the United States of America,
Baku, 8 May 2002



The Ministry of Foreign Affairs of the Republic of Azerbaijan has the honor to confirm that the proposals set forth in U.S. Embassy Note #208/2002 are acceptable to the government of the Republic of Azerbaijan and that the U.S. Embassy's note and this note in reply shall constitute an agreement between the two governments which shall enter into force on this date.

U.S. Department of State
Office of Language Services
Translating Division



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TRANSLATION

[emblem]
REPUBLIC OF AZERBAIJAN
MINISTRY OF FOREIGN AFFAIRS

No.: 844-10 [handwritten]

Urgent

The Ministry of Foreign Affairs of the Republic of Azerbaijan expresses its respect to the Embassy of the United States of America in Baku and has the honor to communicate the following:

Taking into account the replacement of the phrase "Republic of Azerbaijan" with the phrase "the Government of the Republic of Azerbaijan" in Articles "A" and "D", the Government of the Republic of Azerbaijan confirms the acceptance of the proposals reflected in the Embassy's note numbered 208/2002 and dated May 8, 2002, and, expressing the agreement between the governments of the two countries, confirms that the Embassy's note, along with this response note, enter into force effective today.

Taking advantage of this opportunity, the Ministry of Foreign Affairs of the Republic of Azerbaijan once again expresses its respect to the Embassy of the United States of America in Baku.

Baku, June [?] **14**, 2002
[round stamp: Azerbaijani Republic/Ministry of Foreign Affairs/
Secretariat/emblem]
[initials]

Embassy of the United States of America
Baku

[stamp in English] 17 June 2002